

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA                          )  
                                                            )  
                                                            )  
v.                                                         )                                                              No. 1: 19-cr-00142-LM  
                                                            )  
NATHAN CRAIGUE                                      )

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**UNITED STATES' MOTION FOR A  
PROTECTIVE ORDER PURSUANT TO FED. R. CRIM. P. 16(d)(1)**

The United States, by its undersigned attorney, hereby moves for a protective order pursuant to Fed. R. Crim. P. 16(d)(1) as follows:

1.       For purpose of this motion, the term “defense team” means defense counsel, defense counsel’s staff, the defendant, and anyone directly engaged by defense counsel to assist in preparing and presenting a defense in this case.
  
2.       In the trial of this matter that commenced on June 8, 2021, [REDACTED] was one of the witnesses the United States called to testify. On Wednesday, June 9, 2021, while [REDACTED] [REDACTED] testimony was not yet complete, the United States learned for the first time that the Concord Police Department possessed records (“CPD File”) pertaining to [REDACTED] that were discoverable under Fed. R. Crim. P. 16. The United States served a trial subpoena on the Concord Police Department and obtained the CPD File on Thursday morning, June 10, 2021. Later that morning, the United States provided the CPD File in unredacted form to defense counsel subject to an understanding that the United States would seek a protective order with respect to the CPD File.

3. The CPD File contains personal identifying information (“PII”) about [REDACTED] and others, and other sensitive information the release of which may compromise the privacy interests of [REDACTED] and others and may subject [REDACTED] to reputational and more serious harm.

4. The United States seeks a protective order that restricts the defense from using the CPD File and any of the information contained in the CPD File for any purpose that is not directly related to the defense of this case. For sake of clarity, the CPD File does not include a report drafted by Department of Labor Special Agent Eric Rousseau, produced to defense counsel on June 11, 2021, after the government produced the CPD File to defense counsel.

5. The defendant, through his counsel, Behzad Mirhashem, Esq., and Dorothy Graham, Esq., assents to the relief requested below.

6. A supporting memorandum of law has not been provided because it is unnecessary in light of the nature of the relief requested.

WHEREFORE, the United States respectfully requests that this Court enter a protective order under Fed. R. Crim. P. 16(d)(1) requiring the following:

1. The defense team shall safeguard and not disclose to anyone else the CPD File and information contained in the CPD File other than is necessary to prepare the defense; and
2. At the conclusion of this matter, the defense team shall destroy the digital and physical copies of the CPD File. The term “conclusion of this matter” shall include the exhaustion of appeals and collateral review.

Dated: June 15, 2021

Respectfully submitted,

JOHN J. FARLEY  
Acting United States Attorney

By:

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